

ENTERED

June 16, 2020

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION****UNITED STATES OF AMERICA,
Plaintiff/Respondent,****v.****RONELL RAY GREEN,
Defendant/Movant.**§
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§**CRIMINAL NO. 6:19-6-1****MEMORANDUM OPINION & ORDER**

Pending before the Court is Defendant/Movant Ronell Ray Green's Motion for Hardship Credit for Hardtime Served. D.E. 80. Defendant complains that the conditions of the Victoria County Jail and Joe Corley Detention Facility violate his Eighth and Fourteenth Amendment rights, and he moves the Court to grant him two or three days' credit for each day served based on these alleged violations.

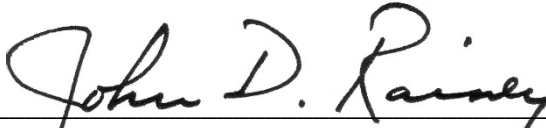
The Bureau of Prisons (BOP) is responsible for calculating sentencing credit, and a defendant is required to exhaust available administrative remedies through the BOP before litigating the computation of his sentence in federal court. *United States v. Wilson*, 503 U.S. 329, 335 (1992) (citing 28 C.F.R. §§ 542.10 –542.16 and collecting cases). The proper vehicle to thereafter challenge the BOP's administrative decisions is a petition pursuant to 28 U.S.C. § 2241, which must be filed in the same district where the prisoner is incarcerated. *See Pack v. Yusuff*, 218 F.3d 448, 451 (5th Cir. 2000). Although Defendant's motion complains about the Victoria County Jail and Joe Corley Detention Center, the BOP Inmate Locator shows that he is currently incarcerated at USP Leavenworth, which is located in the District of Kansas. Thus, assuming Defendant remains incarcerated in

Leavenworth, he should file any § 2241 petition in that court after first exhausting his administrative remedies.

Because Defendant does not allege that he has exhausted his administrative remedies, the Court may not consider his claim for sentence credit, and his Motion for Hardship Credit for Hardtime Served (D.E. 80) is **DENIED**.

To the extent Defendant wishes to pursue what appear to be Eighth and Fourteenth Amendment claims against the Victoria County Jail and Joe Corley Detention Center, he may file a separate civil action.

It is so **ORDERED** this 15th day of June, 2020.



JOHN D. RAINEY
SENIOR U.S. DISTRICT JUDGE